

**Prepared Statement of  
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Terrorist Attacks Upon the United States  
before the Committee on Homeland Security  
U.S. House of Representatives  
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Chairman Cox, Ranking Member Thompson, distinguished members of the Committee:

I am honored to appear before you today to discuss reforming federal first responder funding. Thank you for requesting my views on this subject of great national importance.

My fellow former Commissioners and I are gratified by the continuing interest of the Congress in the work of the 9/11 Commission. While last year's intelligence reform bill fulfilled or partially addressed many of our recommendations, much work remains to be done. Therefore, I appreciate the opportunity to discuss with you today one of our recommendations that still requires the attention of the Congress.

On September 11, 2001, the Fire Department of the City of New York suffered the largest loss of life of any emergency response agency in our nation's history. The Port Authority Police Department suffered the largest loss of life of any American police force in history. The New York Police Department suffered the second largest loss of life of any police force in U.S. history, exceeded only by the loss of Port Authority police that same

day. Our Commission heard many harrowing recollections from police and firefighters who responded to the attacks.

The performance of first responders that day was heroic. So many gave their lives. As we look to the future, all of us on the Commission agreed that targeted investments in the right equipment, training and communications could help save lives, both of first responders and those they seek to rescue.

In his testimony before our Commission, New York Police Commissioner Ray Kelly underlined the importance of federal grants to first responders in high-threat areas. He said: “The federal government must invest realistically in protecting those areas the terrorists are likely to try to hit again. Along with a few other major cities, New York tops that list. Everything we know about al Qaeda tells us this is true. It is a lesson from our history we simply cannot afford to ignore.”

In the post-9/11 era, big city mayors, police and fire chiefs, and emergency planners are forced to imagine a dizzying array of catastrophic scenarios. As we saw in the aftermath of September 11<sup>th</sup>, attacks on our political, economic, and cultural centers have a profound impact on the life of every American. Our security depends on the ability of high-risk localities to prevent and prepare for attacks. In this new kind of war, first responders are on the front lines. For them, homeland security funding can be a matter of life and death. As we stated in our report, “this issue is too important for politics as usual to prevail.”

Our Commission made several specific recommendations on this subject:

- Homeland security assistance should be based strictly on an objective, non-political assessment of risks and vulnerabilities. These assessments should consider the threat of an attack, a locality's vulnerability to an attack, and the possible consequences of an attack.
- The federal government should develop specific benchmarks for evaluating community needs, and require that spending decisions be made in accordance with those benchmarks.
- Each state receiving funding should provide an analysis of how funds are allocated and spent within the state; and
- Each state and city should have a minimum infrastructure for emergency response.

Unfortunately, the current formula for distributing homeland security funds falls far short of meeting the Commission's recommendations.

- Billions of federal dollars have been distributed with no consideration of risk in the allocation process. While major cities stretch their budgets to cope with a constant terrorist threat, sparsely populated counties have used their grants to purchase extravagant equipment they probably do not need based on current risk.
- No requirement has existed to ensure that funds are distributed within states according to risk. While a few states, notably New York, have been diligent in ensuring rational distribution of funds, this has been the exception rather than the rule.

- The federal government has not established benchmarks for evaluating community needs, or guidelines for the most effective use of preparedness funding. This means that spending decisions have often been made after funds are received. In many cases the funding arrives as an unexpected windfall, and is often spent with the same lack of forethought, not adhering to any state or regional homeland security strategic plan. Existing threat assessment and risk management tools available in DHS should be utilized to assist Congress, states and local communities in making rational spending decisions.

I'd like to note that this Committee has done outstanding work investigating the allocation of these funds since 9/11, especially its analysis of the use of First Responder Grant Funding in Fiscal Years 2002 and 2003. Oversight of executive branch programs remains one of Congress's most critical duties, especially in an era when vast sums of taxpayer money are being allocated so quickly. This Committee's work on first responder grant funding is an example of the kind of oversight that is needed to ensure that the agencies and programs responsible for our security are functioning effectively.

Section 7401 of the Intelligence Reform and Terrorism Prevention Act of 2004 contained sense of Congress language urging the 109<sup>th</sup> Congress to reform the system for distributing first responder grants to state and local governments. My fellow Commissioners and I were disappointed that the bill itself did not address this issue. We noted last October in a letter to Congress that bipartisan language from this Committee, contained in H.R.

10, was in line with the spirit of our recommendations. We would have liked to have seen it in the conference report.

I am heartened that the Committee has once again moved forward, in a bipartisan fashion, to address the funding formula question. The Smarter Funding for First Responders Act, H.R. 1544, would be an enormous step forward in terms of national preparedness.

- This legislation would require that DHS allocate homeland security grant funds according to risk. This is in line with our core recommendation on federal homeland security funding.
- It would establish a federal Grant Board of 25 homeland security experts, to evaluate state applications on the basis of their potential to reduce the threat of, vulnerability to, and consequences of terrorist attacks.
- It would require each state to submit a three-year homeland security plan. This would ensure that grant disbursements are actually being spent according to a rational, coordinated plan, rather than as an unexpected windfall.
- Finally, after resources have been allocated according to risk, the bill would ensure that each city and state can maintain a minimal capacity for emergency response, by topping off state allocations that don't reach the 0.25% state minimum level. This is a more rational way of ensuring that small communities can maintain this basic capability.

Each of these reforms is in line with our recommendations, and will greatly improve the effectiveness of this program.

Finally, I would like to take this opportunity to touch on a final, related issue of concern. In our report, we urged that Congress not use homeland security funding as a political pork barrel. The inclusion of numerous earmarked projects in the Homeland Security appropriations bill would be a step backward. It would reduce the discretion of DHS to allocate these funds where they are needed. I encourage members to resist earmarking these scarce funds.

### ***Conclusion***

Once again, I would like to thank the committee for its excellent work to date on this critical issue. Your bipartisanship, your dedication to rigorous oversight, and your enthusiasm for reform, have already validated the Commission's recommendation for a permanent standing committee on Homeland Security. We welcome all efforts to strengthen the oversight work of this Committee, and to strengthen the authorities of this Committee over the counterterrorism programs of the Department of Homeland Security.

H.R. 1544 is a significant step forward in terms of national preparedness. Our current system for distributing federal homeland security funds is not worthy of the seriousness of the task. This bill would create a rational, risk-based model for allocating federal homeland security funding. It would

greatly improve the effectiveness of the grant program, and the security of the American people.

I thank the Committee once again for its continuing interest in our recommendations, and I look forward to your questions.